

REMARKS

Claim 4 was presented for examination. Claims 1-3 and 5-12 were withdrawn from consideration and, as such, were not examined. Claim 4 was examined and rejected. In the aforementioned amendment, claim 4 has been amended, claims 1-3 and 5-12 have been canceled, and claims 13-62 have been added as new claims. Upon entry of the present amendment, claims 4 and 13-62 will be presently pending in this application, of which claims 4, 13, 27 and 49 are independent. The Applicant submits that claim 4, as amended, and new claims 13-62 are in condition for allowance.

The following comments address all stated grounds of rejection. The Applicant respectfully traverses each rejection and urges the Examiner to pass the claims to allowance in view of the remarks set forth below.

Claim Amendments

Claim 4 has been amended to clarify the scope of the claimed invention. Support for the amended claim can be found at page 60, line 1 to page 65, line 7; and throughout the remainder of the specification.

Claims 5-12 are drawn to an invention nonelected with traverse in the previous office action response (Paper No. 13). As such, claims 5-12 have been canceled.

Claims 13-62 have been added to more fully appreciate the Applicant's claimed invention. Support for the added claims can be found at page 60, line 1 to page 65, line 7; Figs. 1, 4, 5, 17, 18, 2, 28, 33 and 34; and throughout the remainder of the specification. No new matter has been introduced.

The Applicant submits that the presently pending claims are in condition for allowance.

CLAIM REJECTION UNDER 35 USC §102

For convenience of the discussion of the rejection by the Examiner to follow below, a summary of the claimed invention and the reference cited in the rejection is described separately.

A. Summary of the Claimed Invention

The claimed invention is directed towards a method for monitoring a service to determine a state of the service supporting a business process under *service level management* (“SLM”) in association with a *service level management domain*. SLM measures the performance of business processes in relation to associated services using a portion of an enterprise’s network infrastructure. SLM methods help an owner or user of a business process understand the relationship between the enterprise network infrastructure, services and the return on investment in regards to the operational state of the business process depending on the enterprise network infrastructure and services.

An SLM domain encompasses the objects concerned with business processes, associated services, and the management of the service level of business processes as part of managing an enterprise. The SLM domain includes an enterprise management system which requires the integration of multiple management systems such as a network, system, application and traffic management systems. A service associated with SLM is a function that the enterprise network provides for the business in support of performing the business processes. The service is an abstraction over and above the enterprise network that arises in virtue of the structure and operation of the network. In turn, a service may depend on the performance of network components that support the service. Network components associated with SLM generally include transmission devices, transmission media, computer systems and applications. As such,

by monitoring network components supporting the service, the state of the service may be determined.

In the claimed invention, network components are associated with services supporting a business process under SLM associated with a SLM domain. Monitoring mechanisms monitor the associated network components to determine one or more parameters indicating operational characteristics of the network components. A state of the service can be determined from the parameters of the monitored network components. The service is monitored to determine operational characteristics of the service from the determined state of the service. Since the service supports a business process, the monitoring of the service supports determining a service level in managing the business process.

B. Summary of Glitho

Glitho describes an operation and maintenance control point (“OMCP”) in a cellular radio telecommunication network that interfaces with network elements and a network management system. The network elements include a short message service message center, a radio base station, a mobile switching center, a home point location register and a service control point as needed to provide a cellular radio network. The OMCP operates at an intermediate level in the network between the network elements and the network management system. The network elements collect raw traffic and exchange data, preprocess the raw data and send reports of the preprocessed data to the OMCP. The OMCP monitors the performance of the network elements from the received reports, determines suggestive corrective actions and sends the suggested corrective actions to the network management system for analysis and execution. The purpose of the OMCP is to provide more information with symptoms reported from a cellular

radio network element to the network management system. By providing corrective actions along with the reported systems, the network management system is able to manage more efficiently. Additionally, the OMCP reduces the processing load on the networking management system by centrally handling the processing of reported symptoms from the cellular radio network elements.

C. Claim 4 is rejected under 35 U.S.C. §102(e)

Claim 4 is rejected under 35 U.S.C. §102(e) as being anticipated by Glitho et al. (US Patent 6,223,449) (“Glitho”). Claim 4 is an independent claim. The Applicant respectfully traverses this rejection and submits that Glitho fails to disclose each and every limitation recited in claim 4, as amended.

Amended Claim 4 recites a method for monitoring a state of a service supporting a business process under *service level management* in association with a *service level management domain* by monitoring network components mapped to the service to determine the state of the service. That is, the method of claim 4 selects network components to map to a service and then monitors the selected network components to determine a state of the service. The service to which the selected network components are mapped supports the service level management of a business process associated with a service level management domain. Glitho does not disclose monitoring a state of a service supporting a business process under *service level management* in association with a *service level management domain* by monitoring network components mapped to the service to determine the state of the service.

As discussed above, Glitho describes an apparatus of a cellular radio telecommunications network for monitoring traffic and exchange data of cellular radio network elements. The Glitho

apparatus operates between a network management system and the cellular radio network elements. The purpose of the Glitho apparatus is to provide network management systems with more information to manage the basic connecting network elements of a cellular radio network. In contrast, the claimed invention operates at an enterprise and business process level to monitor a state of a service that is a function of the operation and structure of the enterprise network infrastructure. That is, the claimed invention is monitoring a service depending on network components across multiple systems of the enterprise network infrastructure. The monitoring of the network components and the service provides information for the enterprise management of the service level of a business process.

Moreover, Glitho does not discuss mapping a selected network component to a service supporting a business process under *service level management* in association with a *service level management domain*. Glitho is void of any discussion with regards to component-to-service mapping and the *service level management* of a business process in association with a *service level management domain*. As such, Glitho fails to disclose a method for monitoring a state of a service supporting a business process under *service level management* in association with a *service level management domain* by monitoring network components mapped to the service to determine the state of the service. In contrast, amended claim 4 recites monitoring a state of a service supporting a business process under *service level management* in association with a *service level management domain* by monitoring network components mapped to the service to determine the state of the service.

In light of the aforementioned amendments and arguments, the Applicant respectfully submits that Glitho fails to anticipate each and every element of claim 4. Therefore, the

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 4 under 35 U.S.C. §102.

NEW CLAIMS 13-62

Claims 13-62 have been added to more fully appreciate the Applicant's claimed invention. Independent claims 13, 27 and 49 are directed to monitoring a service supporting a business process under *service level management* in association with a *service level management domain* by monitoring network components associated with the service to determine a state of the service. Claims 14-26 are dependent on independent claim 13, and, thus, incorporate all the patentable subject matter of claim 13. Claims 28-48 are dependent on independent claim 27, and, thus, incorporate all the patentable subject matter of claim 27. Claims 50-62 are dependent on independent claim 49, and, thus, incorporate all the patentable subject matter of claim 49. None of the cited references, including Glitho, disclose, teach or suggest monitoring a service supporting a business process under *service level management* in association with a *service level management domain* by monitoring network components associated with the service to determine a state of the service.

The Applicant respectfully submits that none of the cited references, including Glitho, disclose, teach or suggest each and every element of claims 13-62. Therefore, the Applicant respectfully submits that claims 13-62 are patentable and in condition for allowance.

CONCLUSION

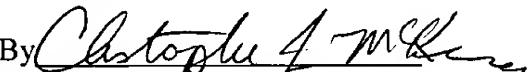
In light of the aforementioned arguments, the Applicant contends that the Examiner's rejection has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, the Applicant respectfully requests reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicant's attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicant's attorney at the telephone number identified below.

Dated: May 26, 2004

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

By 
Christopher J. McKenna
Registration No.: 53,302
Attorney/Agent For Applicant

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)